

REMARKS

In the Office Action, the Examiner rejected claims 1, 6, 7, 10, 12-15, and 17-26. Additionally, in the Office Action Summary, the Examiner indicated that claims 2-5, 8, 9, and 16 were objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants would like to thank the Examiner for indicating the allowable subject matter of the claims. Applicants respectfully assert that all of the pending claims are patentable and in condition for allowance. Applicants respectfully request reconsideration of the rejections and allowance of the pending claims.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1, 6, 7, 12, 13-15, 17, 22-24 and 26 under 35 U.S.C. § 102(e) as being anticipated by the Tripathy, U.S. Pat No. 6,149,158. Claims 1, 13, and 22 are independent claims. Claims 6, 7, 12, 14, 15, 17, 23, 24, and 26 depend from claims 1, 13, and 22, respectively.

In the Office Action mailed on March 31, 2004, the Examiner stated that:

Re claims 1, 13, 14, 22-24 and 26, Tripathy discloses a bearing assembly comprising a bearing insert (16), a bearing housing (12) adapted to house the bearing insert, *a cover (30) removably securable to the bearing housing and a rotatable flinger (32, 34) secured to the cover*, the flinger having a first opening therethrough, the first opening being adapted to receive a rotatable shaft (14) and to enable the rotatable flinger to form a compression seal against the rotatable shaft and an outer flange (62) disposed external to the cover capable of flinging material that comes into contact with the outer flange away from the bearing assembly. (emphasis added)

Applicants respectfully traverse the rejection. Claims 1, 6, 7, 12, 13-15, 17, 22-24 and 26 are not anticipated because the Tripathy reference does not disclose all of the recited features of the claims. A *prima facie* case of anticipation under 35 U.S.C. § 102

requires a showing that each limitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent Claims 1 and 13 and the Claims Depending Therefrom

As noted above, independent claims 1 and 13 are not anticipated because the Tripathy reference does not disclose all of the recited features of the claim. For example, the Tripathy reference does not disclose: “a rotatable flinger *secured to the cover*,” as recited in claim 1. Similarly, Tripathy does not disclose “a rotatable member *securable to the cover*,” as recited in independent claim 13.

The Tripathy reference discloses a rigid annular case or carrier member 30, a rigid annular wear sleeve 32, and an annular sealing disk 34 fixed to the carrier member 30 and sealingly engaging the wear sleeve 32. *See* Tripathy, col. 3, lines 44-47. As disclosed above, the Examiner argues that the rigid annular case or carrier member 30 represents a “cover” and that the rigid annular wear sleeve 32 and the annular sealing disk 34 represent a “rotatable flinger secured to the cover,” as recited in claim 1. In addition, in the Response to Arguments portion of the Office Action, the Examiner stated that:

Applicant claims that Tripathy does not disclose a rotatable flinger. However, as explained in the rejection, the rotatable flinger is being interpreted by the examiner as elements 32 and 34 and although element 34 does not rotate, element 32 does rotate and therefore reads on the limitation as claimed.

Contrary to the Examiner’s assertion, the rigid annular wear sleeve 32 and the annular sealing disk 34 do not represent a “rotatable flinger secured to the cover,” as recited in claim 1. Similarly, they do not represent “a rotatable member *securable to the cover*,” as recited in claim 13. The annular sealing disk 34 cannot represent either “a rotatable flinger *secured to the cover*” or “a rotatable member *securable to the cover*” or even a portion of either item because, as the Examiner admits, the annular sealing disk 34 does not rotate. The Examiner is not free to combine a stationary member with a member

that rotates and describe the combination as a single rotatable member or rotatable flinger. Thus, the only element of the Tripathy reference that can arguably be described as a "rotatable flinger" is the rigid annular wear sleeve 32. However, the rigid annular sleeve 32 is not secured to the carrier member 30, which the Examiner argues represents the "cover" of claim 1. Therefore, because the rigid annular sleeve 32 of Tripathy is not secured to the carrier member 20, the rigid annular wear sleeve 32 cannot represent "a rotatable flinger *secured to the cover*," as recited in claim 1. Additionally, the rigid annular sleeve 32 cannot represent "a rotatable member *securable to the cover*," as recited in claim 13. Therefore, the Tripathy reference does not disclose all of the recited features of independent claims 1 and 13.

For these reasons, Applicants respectfully assert that independent claim 1 and its respective dependent claims 6, 7, and 12 are not anticipated by the Tripathy reference. In addition, independent claim 13 and its respective dependent claims 14, 15, and 17 also are not anticipated by the Tripathy reference. In light of the foregoing remarks, Applicants respectfully request reconsideration of the rejection and allowance of the instant claims.

Independent Claim 22 and the Claims Depending Therefrom

Similarly, the Tripathy reference does not disclose all of the recited features of independent claim 22. For example, Tripathy does not disclose "*rotatably securing the flinger to a removable cover* by disposing the cover between an inner flanged portion of the flinger and an outer flanged portion of the flinger," as recited in claim 22. As discussed above, Tripathy does not disclose a rotatable flinger secured to a cover. Thus, the Tripathy reference cannot disclose: "*rotatably securing the flinger to a removable cover*," as recited in claim 22. Therefore, because the Tripathy reference does not disclose every recited feature of claim 22, Applicants respectfully assert that the cited reference does not anticipate the instant claim. Accordingly, Applicants respectfully assert that independent claim 22 and its respective dependent claims 23-26 are patentable over the cited

reference. In light of the foregoing remarks, reconsideration of the rejection and allowance of the instant claims are respectfully requested.

Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected dependent claims 8, 19-21 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Tripathy as applied above in view of Motsch. In addition, dependent claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tripathy as applied to claim 1 in view of Tooley. Finally, dependent claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tripathy in view of Uhen.

Applicants respectfully traverse the rejections. Simply put, the cited references, taken alone or in combination, do not disclose all of the features recited by the instant claims. To establish a *prima facie* case of obviousness, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

As discussed above, the Tripathy reference does not disclose all of the recited features of independent claims 1, 13, or 22 from which claims 8, 10, 18, 19-21, and 25 depend. All of the combinations of references cited by the Examiner rely on Tripathy to provide a rotatable flinger or rotatable member secured to a cover. But for the reasons discussed above, the Tripathy reference does not disclose or suggest a rotatable flinger or rotatable member secured or securable to a cover. Additionally, there is no reason to believe that the Motsch, Tooley or Uhen references obviate the deficiencies of the Tripathy reference as discussed above. Accordingly, Applicants respectfully assert that dependent claims 8, 10, 18, 19-21, and 25 are patentable over the cited references. Because the cited references, taken alone or in combination, fail to disclose all the recited

features of the instant claims, Applicants respectfully assert that the cited references fail to render the instant claims obvious.

Allowable Subject Matter

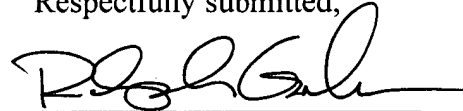
Claims 2-5, 8, 9, and 16 were objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants once again would like to thank the Examiner for indicating the allowable subject matter of the claims. However, for the reasons provided above, Applicants respectfully assert that all of the pending claims are patentable and in condition for allowance.

Conclusion

In view of the remarks set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Date: June 1, 2004

Respectfully submitted,



Ralph A. Graham
Reg. No. 47,607
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545

CORRESPONDENCE ADDRESS
ALLEN-BRADLEY COMPANY, LLC
Patent Department/704P Floor 8 T-29
1201 South Second Street
Milwaukee, Wisconsin 53204
Attention: Mr. Alexander Gerasimow
Phone: (414) 382-2000